



Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Drinking Water Program
BRP WM 02 – Water Management Act Program
Permit Amendment Application - Instructions

Water Management Act Program (WMA) Permits authorize the withdrawal of water in excess of 100,000 gallons per day. WMA permits are conditioned to mitigate impacts of the withdrawals to water resources and other users. Statutory and regulatory authority to amend permits can be found at MGL Chapter 21G and MassDEP regulations - 310 CMR 36.29.

Once complete:

- **Submit the Application and one copy of the MassDEP Transmittal Form to the WMA Program in the MassDEP Regional Office for where the water withdrawal occurs, and**
- **Submit the \$1,940 fee (waived for public water suppliers) and one copy of the MassDEP Transmittal Form to: Department of Environmental Protection, P. O. Box 4062, Boston, MA 02211.**

MassDEP BRP WM02 – Water Management Act Program Permit Amendment and Instructions are available for download from the MassDEP Web site at www.mass.gov/lists/drinking-water-permits-forms-and-templates in two file formats: Microsoft Word™ and Adobe Acrobat PDF™. Either format allows documents to be printed.

Commonly Asked Questions Concerning WMA Permit Amendments

1. Who may apply for a WMA permit amendment?

Only a Water Management Act Program permit holder or authorized designee.

2. What proposed changes to an existing WMA permit constitute a permit amendment?

- a. Decreasing authorized permit volumes,
- b. Changing the location of one or more withdrawal points,
- c. Adding one or more withdrawal points,
- d. Changing the authorized maximum daily withdrawal rate for one or more groundwater withdrawal points, or the maximum annual withdrawal rate for one or more surface water withdrawal points, currently included in the WMA permit,
- e. Changing the use of the water,
- f. Changing any permit conditions,
- g. Changing the location of discharge point(s).

Note: Requests for ***an increase in the total permit volume*** require a new permit and filing a BRP WM03-WMA Permit Application.

2. What additional forms must be submitted with a Permit Amendment Form?

Required forms are outlined in the permit amendment form and can be found on MassDEP's website.

3. What are the timelines for review of the submitted amendment form?

Barring an incomplete submittal, MassDEP will complete an administrative review within 24 days of receipt of the amendment application, and a technical review within 36 days. A second technical review, if necessary, allows an additional 36 day review period.

4. What are the public notice requirements for a WMA permit amendment?

- a. Applicants adding a withdrawal point or increasing the authorized maximum withdrawal rate for one or more withdrawal points must provide the public notice required for a new permit (see the Public Notice Requirement Summary below and 310 CMR 36.23).
- b. For all other amendments, MassDEP will publish notice of the amendment application in the *MEPA Environmental Monitor* within 30 days of receiving the application and take comment for 30 days.

5. Does the amended permit's annual compliance fee change?

No. Annual compliance fees are on the MassDEP website: <https://www.mass.gov/guides/massdep-permitting-assistance>

6. How long is the permit amendment in effect?

The permit amendment is in effect for the life of the permit.



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7. What other requirements should be considered when applying for this permit amendment?

- To add a new withdrawal point, or to increase the authorized maximum withdrawal rate for an existing withdrawal point, public water suppliers may require a *Source Approval Process* submittal. For withdrawal points that require source approval, this BRP WM 02 Permit Amendment Application is to be submitted following approval of the Final Source Report and prior to constructing the source.
- A request for a change of discharge point(s) may involve amending a (as applicable): a *NPDES Permit*; an *Inter basin Transfer Act* approval from the Water Resources Commission if water is withdrawn and discharged across river basin boundaries.
- Permit amendments *may require MEPA review*. Please review MEPA 301 CMR 11.00 to determine if the proposed project exceeds the MEPA review thresholds. For more information, contact the MEPA Unit of the Executive Office of Energy and Environmental Affairs, 100 Cambridge Street, Boston, MA 02202 at 617-626-1031 or mepa@massmail.state.ma.us.

MassDEP cannot complete a technical review of the permit application until the MEPA process has been concluded. Copies of MEPA filings (with reference to any applicable Transmittal numbers) should be sent to the appropriate MassDEP regional office MEPA Coordinator.

Find your region: <https://www.mass.gov/service-details/massdep-regional-offices-by-community>

A WMA Permit Amendment Form should be filed at the same time or immediately after other approvals have been obtained. Please contact MassDEP WMA regional staff for advice on filing.



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Application Completeness Checklist

All forms instructions listed below are available from the MassDEP website at www.mass.gov/lists/drinking-water-permits-forms-and-templates. Please consult with Water Management Act Program staff at the appropriate Regional Office to determine the appropriate forms to submit.

- ☐ BRP WM02 – Water Management Act Program Permit Amendment Form

The following forms may be required to add a new withdrawal point, or to increase the authorized withdrawal rate for an existing withdrawal point.

- ☐ BRP WM03 – WMA Form B – for each groundwater withdrawal.
- ☐ BRP WM03 – WMA Form C, for each surface water withdrawal.
- ☐ BRP WM03 – WMA Form D2, Projections of withdrawal volume years 1-20.
- ☐ BRP WM03 - Form H – Groundwater Hydraulic Analyses (GHA) for Non Potable Wells
- ☐ BRP WM03 – Form H – Groundwater Hydraulic Analyses (GHA) is fulfilled for new public water supply wells by completing the MassDEP Drinking Water Program Groundwater Supply Development and the Source Approval Process, see www.mass.gov/service-details/guidelines-for-public-water-systems
- ☐ Include a copy of the Environmental Notification Form submitted to MEPA (as part of the *Source Approval Process*) for *new* withdrawal points that have a capacity of 100,000 gallons per day or more (see MEPA regulations 310 CMR 11.00).

To submit the application package:

- ☐ Complete the MassDEP Transmittal Form: <https://www.mass.gov/service-details/transmittal-form-number-for-massdep-permit-application-payment>
- ☐ Send a copy of the application and one copy of the MassDEP Transmittal Form to:
Department of Environmental Protection
Drinking Water Program – Water Management Act Program
Regional Office from where the withdrawal of water occurs
- ☐ Send fee of \$1,940, check or money order made payable to *Commonwealth of Massachusetts*, and one copy of the MassDEP Transmittal Form to (fee waived for public water suppliers):
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211



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Public Notice Requirement Summary for Permit Amendment Applicants (BRP WM 02) adding a withdrawal point or increasing the authorized withdrawal rate from one or more withdrawal points (see also 310 CMR 36.29 and 36.23):

The Applicant:

- shall submit a copy of the application to the water resources management official in the city or town where the withdrawal is located (or to the chief elected official if no water resources management official has been designated)
- shall publish notice described below in a newspaper which carries legal notices and is in general circulation in the city or town where the proposed withdrawal is located, within 10 days of submitting the application;
- shall send a copy of the notice (return receipt requested) to abutters and abutters of abutters of the withdrawal point within 5 days of publication;
- shall send an affidavit stating that public notice is complete and a copy of the notice to DEP within 10 days of completing the requirements above ;
- shall take comment for 30 days from the publication of the notice;
- shall send any comments to DEP within 5 days of the close of comment period; and
- may send a certificate from the local water resource official(s) stating that the proposed withdrawal is consistent with local water resource plans, and that no statements of opposition have been received.

The published notice for adding a withdrawal point or increasing the authorized withdrawal rate from one or more withdrawal points must include:

1. the location of the water source from which the withdrawal is to be made;
2. the volume of water to be withdrawn;
3. the name and address of the water resources management official of each city or town in which the withdrawal is proposed, who will have a copy of the application available for inspection, and the times when it will be available;
4. a statement that written comments may be filed with the water resources management official(s) and the Department within 30 days of the notice's publication date; and
5. the name and address of the permit applicant.

Note: the MEPA public notice required in 301 CMR 11.15 may be combined with the WMA public notice if the filing deadlines under both 310 CMR 36.23(1) and 301 CMR 11.15(1) can be met.

As of June 2018, the US Postal Service offers four certified mail options, three of which meet the WMA “return receipt” requirement. Either Certified Mail or Return Receipt Green Card fulfills the statutory requirement as written in 1989, and the Return Receipt Electronic Signature fulfills the spirit of the law and is an acceptable alternative.

USPS Certified Mail Options
Certified Mail
Return Receipt Green Card (Old Fashioned Green Card)
Return Receipt Electronic Signature (replaces Green Card)
Electronic Delivery Confirmation Receipt

The Electronic Delivery Confirmation Receipt carries risk for the applicant because an abutter who never personally receives notice (e.g. the abutter is on vacation, the notice was lost or destroyed after delivery) could challenge the permit. Therefore, MassDEP does not recommend the Electronic Delivery Confirmation Receipt.